

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 15-1509-JFW (JEMx)**

Date: May 28, 2015

Title: Junah Chen, et al.-v- County of Santa Barbara, et al.

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**PRESENT:**

**HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE**

**Shannon Reilly**  
**Courtroom Deputy**

**None Present**  
**Court Reporter**

**ATTORNEYS PRESENT FOR PLAINTIFFS:**

None

**ATTORNEYS PRESENT FOR DEFENDANTS:**

None

**PROCEEDINGS (IN CHAMBERS):**

**ORDER STRIKING DEFENDANT'S MOTION TO  
DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT  
FOR FAILURE TO COMPLY WITH THE COURT'S  
STANDING ORDER**

Defendant Hi Desert Mobile Home Park L.P.'s Motion to Dismiss Plaintiff's First Amended Complaint ("Motion") filed on May 27, 2015 [Docket No. 37] is **STRICKEN** for failure to comply with paragraph 5(b) of the Court's Standing Order filed on March 5, 2015 [Docket No. 7].

Local Rule 7-3 requires that "counsel contemplating the filing of any motion shall first contact opposing counsel to discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential resolution." Local Rule 7-3. Generally, this conference of counsel "shall take place at least seven (7) days prior to the filing of the motion." *Id.* "If the parties are unable to reach a resolution which eliminates the necessity for a hearing, counsel for the moving party shall include in the notice of motion a statement to the following effect: 'This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on (date).'" *Id.* In addition, the Court's Standing Order further provides:

Counsel should discuss the issues with sufficient detail so that if a motion is still necessary, the briefing may be directed to those substantive issues requiring resolution by the Court. . . . All 7-3 conferences shall take place via a communication method that, at a minimum, allows all parties to be in realtime communication (letters and e-mail, for example, do not constitute a proper 7-3 conference). . . . Within three days of the conference, counsel shall file a joint statement indicating the date, duration, and communication method of the conference. In addition, the joint statement shall detail the issues discussed and resolved during the conference and the issues remaining.

Standing Order [Docket No. 8] at ¶ 5(b).

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Although the parties filed a Joint Statement of Counsel Pursuant to §5(b) of the Court's Standing Order on May 27, 2015 [Docket No. 36], it was not timely filed as required by the Court's Standing Order. If the Joint Statement had been timely filed, the Court would have ordered an additional meet and confer prior to filing any Motion to Dismiss because the Court concludes that a 12 minute telephone conversation of counsel is woefully inadequate to resolve the issues now raised in the Defendant's Motion to Dismiss.

Accordingly, if Defendant Hi Desert Mobile Home Park L.P. still wishes to file a motion to dismiss, the parties shall meet and confer in person by **June 8, 2015**. Within 3 days of the meet and confer, each party shall file a declaration setting forth the issues resolved at the conference and those issues that were not resolved with a detailed explanation of why those issues could not be resolved. If a motion to dismiss remains necessary, Defendant Hi Desert Mobile Home Park L.P. shall not file the motion to dismiss until 2 days after each party files the declaration required by this Order.

IT IS SO ORDERED.